

JOURNAL OF THE HOUSE

NINETY-FIRST SESSION

THIRTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 2, 2016

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Father Ron Garry, followed by the Pledge of Allegiance led by House pages Isabella Hagg and Timber Hudson.

Roll Call: All members present except Reps. Kaiser, Killer, Novstrup, and Russell who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twelfth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Dean Wink, Chair

Which motion prevailed.

HONORED GUESTS

Speaker Wink introduced Georgialee Quail of Deuel County, the 2016 South Dakota Snow Queen.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1104 and 1123 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1079 and returns the same with the recommendation that said bill be amended as follows:

1079ra

On page 1, line 6, of the printed bill, delete ", or a harm reduction organization,".

On page 1, line 13, delete ", or to a" and insert ".".

On page 1, delete line 14.

And that as so amended said bill do pass.

Respectfully submitted,
Scott Munsterman, Chair

Also MR. SPEAKER:

The Committee on Transportation respectfully reports that it has had under consideration SB 35 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on Transportation respectfully reports that it has had under consideration HB 1095 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

1 Also MR. SPEAKER:

2 The Committee on Transportation respectfully reports that it has had under consideration
3 HB 1113 and returns the same with the recommendation that said bill be amended as follows:

4 1113oa

5 On page 4, line 2, of the printed bill, after "organization" insert "that is exempt under
6 § 501(c)(3) of the Internal Revenue Code and".

7 On page 4, line 5, delete ", which" and insert "that is exempt under § 501 (c)(3) of the
8 Internal Revenue Code and that".

9 1113ota

10 On page 1, line 1, of the printed bill, delete "provide for" and insert "exempt from the
11 excise tax on motor vehicles".

12 On page 1, line 2, delete "in certain cases" and insert "under certain conditions".

13 And that as so amended said bill do pass.

14 Respectfully submitted,
15 Mike Verchio, Chair

16 Also MR. SPEAKER:

17 The Committee on Local Government respectfully reports that it has had under
18 consideration HB 1101 and returns the same with the recommendation that said bill do pass.

19 Also MR. SPEAKER:

20 The Committee on Local Government respectfully reports that it has had under
21 consideration HB 1100 and 1103 and returns the same with the recommendation that said bills
22 do pass and be placed on the consent calendar.

23 Also MR. SPEAKER:

24 The Committee on Local Government respectfully reports that it has had under
25 consideration HB 1102 and returns the same with the recommendation that said bill be amended
26 as follows:

1102ya

On page 4, after line 3 of the printed bill, insert:

" Section 2. That § 5-18A-35 be amended to read:

5-18A-35. In the procurement of supplies or services, a purchasing agency may require a bond or an approved security to be submitted with any bid or proposal as a guarantee that the bidder will enter into a contract with the purchasing agency. No offeror or bidder may be required to leave the bond or security posted for a longer period than ~~thirty~~ forty-five days if the bid or proposal is not accepted. The bond or approved security of the successful offeror or bidder shall be returned upon the signing of the contract.

Section 3. That § 5-18B-9 be amended to read:

5-18B-9. No bidder on a public improvement contract may be required, either in the invitation for bids or otherwise, to leave a certified check or cashier's check, or bid bond, posted for a longer period than ~~thirty~~ forty-five days if the bid is not accepted. The check or bid bond of the successful bidder shall be returned upon the execution of the contract and surety hereafter provided for. The checks or bid bonds of all unsuccessful bidders shall be, by the purchasing agency, immediately returned to the respective makers thereof and not more than ~~thirty~~ forty-five days shall elapse between the opening of the bids and either the acceptance of the bid of the lowest responsible bidder or the rejection of all of the bids presented."

And that as so amended said bill do pass.

Respectfully submitted,
Kristin A. Conzet, Chair

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1082 and 1115 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1054 and returns the same with the recommendation that said bill be amended as follows:

1 1054ca

2 On page 1, line 6 of the printed bill, delete "2 to 5" and insert "2 to 6".

3 On page 3, between lines 4 and 5, insert:

4 " Section 5 That the code be amended by adding a NEW SECTION to read:

5 Only a person licensed to grow or process industrial hemp pursuant to this Act may possess
6 any part, stalk, leaf, bud, flower, or seed of an industrial hemp plant."

7 And that as so amended said bill do pass.

8 Respectfully submitted,
9 Lee Qualm, Chair

10 **MESSAGES FROM THE SENATE**

11 MR. SPEAKER:

12 I have the honor to return herewith HB 1002 which has passed the Senate without change.

13 Also MR. SPEAKER:

14 I have the honor to transmit herewith SB 22 which has passed the Senate and your
15 favorable consideration is respectfully requested.

16 Respectfully,
17 Kay Johnson, Secretary

18 **MOTIONS AND RESOLUTIONS**

19 HCR 1004 Introduced by: Representatives DiSanto, Brunner, Campbell, Greenfield (Lana),
20 Harrison, Haugaard, Latterell, Marty, May, Qualm, and Stalzer and Senators Olson, Bradford,
21 Cammack, Greenfield (Brock), Heinert, Jensen (Phil), Peterson (Jim), and Sutton

22 A CONCURRENT RESOLUTION, Expressing support for the property rights of ranch and
23 range allotment owners.

24 WHEREAS, the Legislature finds that the livestock sector of the agriculture industry of the
25 state is a critical and significant portion of the agriculture industry of the state and necessary for
26 the continued health, prosperity, and well-being of the people of the state; and

1 WHEREAS, a significant number of livestock within the state spend a significant part of
2 their lives on federal range lands; and

3 WHEREAS, the United States Supreme Court has held that stockwater rights, range rights,
4 rights-of-way, and improvements, appurtenant to or associated with range allotments, are
5 property rights worthy of protection under the Fifth Amendment of the United States
6 Constitution; and

7 WHEREAS, federal employees are required by the Fifth Amendment and Executive Order
8 12630 to consider the takings implications of their decisions and actions on the property rights
9 of ranch or range allotment owners before taking those actions:

10 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-
11 First Legislature of the State of South Dakota, the Senate concurring therein, that whenever any
12 federal employee, acting under color of law, takes any action harmful to any range or range
13 allotment owner in the state that deprives that owner of any property rights without first giving
14 due consideration to those rights by accessing property with permission, conducting a thorough
15 takings implication assessment, giving the owner due process, and paying just compensation as
16 required by law, that the federal government consider that the federal employee and agency are
17 in violation of the constitutional rights of the ranch or allotment owner, are acting outside the
18 scope of any federally delegated authority, are acting outside the protection of any federal
19 immunity from prosecution, and are guilty of the crime of malicious deprivation of
20 constitutional rights; and

21 BE IT FURTHER RESOLVED, that the secretary of House of Representatives prepare and
22 forward appropriate copies of this resolution to the President of the United States, the Speaker
23 and Clerk of the United States House of Representatives, and the President and Secretary of the
24 United States Senate.

25 Was read the first time and the Speaker waived the committee referral.

26 **CONSIDERATION OF REPORTS OF COMMITTEES**

27 Rep. Gosch moved that the reports of the Standing Committees on

28 Agriculture and Natural Resources on HB 1010 as found on page 208 of the House Journal;
29 also

30 Taxation on HB 1086 as found on page 208 of the House Journal; also

31 Local Government on HB 1092 as found on page 209 of the House Journal be adopted.

32 Which motion prevailed.

1 FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2 The following bill was read on Friday, January 22, and today the Speaker assigned this bill
3 to committee.

4 HB 1080 was referred to the Joint Committee on Appropriations.

5 The following bills were read on Thursday, January 28, and today the Speaker assigned
6 these bills to committee.

7 HB 1165 was referred to the Committee on Judiciary.

8 HB 1166 was referred to the Committee on Judiciary.

9 HB 1167 was referred to the Committee on Judiciary.

10 HB 1168 was referred to the Committee on Education.

11 HB 1169 was referred to the Committee on Education.

12 HB 1170 was referred to the Joint Committee on Appropriations.

13 HB 1171 was referred to the Committee on Judiciary.

14 HB 1172 was referred to the Committee on Taxation.

15 HB 1173 was referred to the Committee on Taxation.

16 HB 1174 was referred to the Committee on Taxation.

17 HB 1175 was referred to the Committee on Taxation.

18 HB 1176 was referred to the Committee on Taxation.

19 HB 1177 Introduced by: Representatives Solum, Hawley, Peterson (Kent), Rozum, and
20 Wiik and Senators Holien, Brown, Cammack, and Parsley

21 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning tax incentives
22 for certain energy facilities.

23 Was read the first time.

1 HB 1178 Introduced by: Representatives Tulson, Feickert, Rozum, Schaefer, Schoenfish,
2 Verchio, and Werner and Senators Vehle, Greenfield (Brock), Parsley, Peterson (Jim), Tieszen,
3 and Van Gerpen

4 FOR AN ACT ENTITLED, An Act to authorize township boards to prohibit the operation
5 of certain off-road vehicles along township highways.

6 Was read the first time.

7 HB 1179 Introduced by: Representative Bolin and Senator Haggar (Jenna)

8 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the exemption
9 of certain boats from the excise tax on large boats.

10 Was read the first time.

11 HB 1180 Introduced by: Representatives McCleerey, Bolin, Bordeaux, Brunner, Campbell,
12 Craig, Haugaard, Holmes, Klumb, Marty, May, Novstrup (Al), Qualm, Russell, Schaefer,
13 Schrempp, Verchio, Werner, Wiik, and Zikmund and Senators Olson, Bradford, Holien, Jensen
14 (Phil), and Peterson (Jim)

15 FOR AN ACT ENTITLED, An Act to limit the terms of certain conservation easements.

16 Was read the first time.

17 HB 1181 Introduced by: Representatives Bordeaux and Killer and Senator Heinert

18 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding a violation for
19 the ingestion of certain substances.

20 Was read the first time.

21 HB 1182 Introduced by: The Committee on Appropriations at the request of the Office of
22 the Governor

23 FOR AN ACT ENTITLED, An Act to increase the state sales tax, the state use tax, the
24 excise tax on farm machinery, and amusement device tax for the purpose of increasing
25 education funding and reducing property taxes, and to declare an emergency.

26 Was read the first time.

1 HB 1183 Introduced by: Representative Johns and Senator Rusch

2 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the jurisdiction
3 of magistrate courts to issue protection orders.

4 Was read the first time.

5 HB 1184 Introduced by: Representatives Verchio, Gosch, Haggar (Don), Harrison,
6 Rasmussen, Russell, and Westra and Senators Jensen (Phil), Greenfield (Brock), and Olson

7 FOR AN ACT ENTITLED, An Act to create a transportation oversight committee.

8 Was read the first time.

9 HB 1185 Introduced by: Representative Brunner

10 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding livestock satellite
11 video auction agencies and electronic auctions of livestock.

12 Was read the first time.

13 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

14 SB 22: FOR AN ACT ENTITLED, An Act to add emergency medical responders to the
15 list of mandatory reporters, and to update cross references in the section.

16 Was read the first time and referred to the Committee on Judiciary.

17 **SECOND READING OF CONSENT CALENDAR ITEMS**

18 HB 1011: FOR AN ACT ENTITLED, An Act to repeal certain obsolete and unnecessary
19 statutes concerning game preserves and refuges.

20 Was read the second time.

21 The question being "Shall HB 1011 pass?"

22 And the roll being called:

23 Yeas 66, Nays 0, Excused 4, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
3 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
4 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
5 Jensen (Alex); Johns; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
6 Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;
7 Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
8 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;
9 Wollmann; Zikmund; Speaker Wink

10 Excused:

11 Kaiser; Killer; Novstrup (Al); Russell

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1071: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
15 annual conference between county commissioners and the director of equalization.

16 Was read the second time.

17 The question being "Shall HB 1071 pass?"

18 And the roll being called:

19 Yeas 66, Nays 0, Excused 4, Absent 0

20 Yeas:

21 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
22 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
23 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
24 Jensen (Alex); Johns; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
25 Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;
26 Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
27 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;
28 Wollmann; Zikmund; Speaker Wink

29 Excused:

30 Kaiser; Killer; Novstrup (Al); Russell

31 So the bill having received an affirmative vote of a majority of the members-elect, the
32 Speaker declared the bill passed and the title was agreed to.

1 HB 1087: FOR AN ACT ENTITLED, An Act to repeal the requirement of a certain public
2 election notice.

3 Was read the second time.

4 The question being "Shall HB 1087 pass?"

5 And the roll being called:

6 Yeas 66, Nays 0, Excused 4, Absent 0

7 Yeas:

8 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
9 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don);
10 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
11 Jensen (Alex); Johns; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
12 Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;
13 Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
14 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;
15 Wollmann; Zikmund; Speaker Wink

16 Excused:

17 Kaiser; Killer; Novstrup (Al); Russell

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 Speaker declared the bill passed and the title was agreed to.

20 HB 1089: FOR AN ACT ENTITLED, An Act to revise provisions for accumulation of
21 funds for certain municipal enterprises.

22 Was read the second time.

23 The question being "Shall HB 1089 pass?"

24 And the roll being called:

25 Yeas 66, Nays 0, Excused 4, Absent 0

26 Yeas:

27 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
28 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don);
29 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
30 Jensen (Alex); Johns; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
31 Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;
32 Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
33 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;
34 Wollmann; Zikmund; Speaker Wink

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Cronin; Deutsch;
3 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Haggar (Don); Harrison; Hawks; Hawley;
4 Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kirschman; Klumb;
5 Langer; McCleerey; Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent);
6 Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
7 Solum; Stalzer; Steinhauer; Stevens; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;
8 Zikmund; Speaker Wink

9 Nays:

10 Craig; Greenfield (Lana); Haugaard; Latterell; Marty; May; Qualm; Rasmussen; Tulson

11 Excused:

12 Kaiser; Killer; Novstrup (Al); Russell

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 HB 1066: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
16 public notice for a meeting of a public body.

17 Was read the second time.

18 The question being "Shall HB 1066 pass as amended?"

19 And the roll being called:

20 Yeas 66, Nays 0, Excused 4, Absent 0

21 Yeas:

22 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
23 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
24 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
25 Jensen (Alex); Johns; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
26 Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;
27 Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
28 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;
29 Wollmann; Zikmund; Speaker Wink

30 Excused:

31 Kaiser; Killer; Novstrup (Al); Russell

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

1 HB 1065: FOR AN ACT ENTITLED, An Act to designate the Civilian Conservation
2 Corps Museum of South Dakota in Hill City as the official Civilian Conservation Corps
3 Museum of South Dakota.

4 Was read the second time.

5 The question being "Shall HB 1065 pass?"

6 And the roll being called:

7 Yeas 66, Nays 0, Excused 4, Absent 0

8 Yeas:

9 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
10 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
11 Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt;
12 Jensen (Alex); Johns; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
13 Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen;
14 Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
15 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;
16 Wollmann; Zikmund; Speaker Wink

17 Excused:

18 Kaiser; Killer; Novstrup (Al); Russell

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the bill passed and the title was agreed to.

21 HB 1078: FOR AN ACT ENTITLED, An Act to grant limited immunity from arrest and
22 prosecution for certain alcohol related offenses to persons who assist a person in need of
23 emergency assistance or who are themselves in need of emergency assistance.

24 Was read the second time.

25 The question being "Shall HB 1078 pass?"

26 And the roll being called:

27 Yeas 64, Nays 1, Excused 5, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;
3 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison;
4 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);
5 Johns; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman;
6 Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds;
7 Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer;
8 Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

9 Nays:

10 Stevens

11 Excused:

12 Cronin; Kaiser; Killer; Novstrup (Al); Russell

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 Rep. Gosch moved that HB 1077 be placed to precede HB 1016 on today's calendar.

16 Which motion prevailed.

17 HB 1077: FOR AN ACT ENTITLED, An Act to grant limited immunity from arrest and
18 prosecution for certain related offenses to persons who assist certain persons in need of
19 emergency assistance or who are themselves in need of emergency assistance.

20 Was read the second time.

21 The question being "Shall HB 1077 pass as amended?"

22 And the roll being called:

23 Yeas 59, Nays 6, Excused 5, Absent 0

24 Yeas:

25 Bartling; Beal; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch; DiSanto; Dryden;
26 Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Harrison; Haugaard; Hawks; Hawley;
27 Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kirschman; Klumb;
28 Langer; Latterell; Marty; May; McCleerey; Munsterman; Otten (Herman); Partridge; Peterson
29 (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck;
30 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Verchio; Werner; Westra; Wiik;
31 Willadsen; Wollmann; Zikmund; Speaker Wink

32 Nays:

33 Anderson; Bolin; Haggar (Don); Mickelson; Stevens; Tulson

1 Excused:
2 Cronin; Kaiser; Killer; Novstrup (Al); Russell

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1016: FOR AN ACT ENTITLED, An Act to revise the authority granted to the
6 Building Authority and to the Board of Regents to construct certain improvements at South
7 Dakota State University in Brookings and the University of South Dakota in Vermillion.

8 Was read the second time.

9 The question being "Shall HB 1016 pass?"

10 And the roll being called:

11 Yeas 58, Nays 7, Excused 5, Absent 0

12 Yeas:
13 Anderson; Bartling; Beal; Bolin; Bordeaux; Campbell; Conzet; Craig; Deutsch; DiSanto;
14 Dryden; Duvall; Feickert; Gibson; Gosch; Haggard (Don); Harrison; Hawks; Hawley; Heinemann
15 (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kirschman; Langer; Latterell;
16 McCleerey; Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm;
17 Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp;
18 Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen;
19 Wollmann; Zikmund; Speaker Wink

20 Nays:
21 Brunner; Greenfield (Lana); Haugaard; Klumb; Marty; May; Verchio

22 Excused:
23 Cronin; Kaiser; Killer; Novstrup (Al); Russell

24 So the bill having received an affirmative vote of a two-thirds majority of the members-
25 elect, the Speaker declared the bill passed and the title was agreed to.

26 HB 1031: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to
27 weights and measures.

28 Was read the second time.

29 The question being "Shall HB 1031 pass as amended?"

30 And the roll being called:

31 Yeas 65, Nays 0, Excused 5, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;
3 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;
4 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);
5 Johns; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman;
6 Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds;
7 Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer;
8 Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker
9 Wink

10 Excused:

11 Cronin; Kaiser; Killer; Novstrup (Al); Russell

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1084: FOR AN ACT ENTITLED, An Act to define when concurrent employment may
15 be used to calculate earnings in workers' compensation cases.

16 Was read the second time.

17 1084xa

18 Rep. Gosch moved that HB 1084 be amended as follows:

19 On page 1, line 7, of the House Commerce and Energy Committee engrossed bill, delete
20 "Baker" and insert "Bakers".

21 On page 1, line 7, after "2d" insert "17, 2015".

22 Which motion prevailed.

23 The question being "Shall HB 1084 pass as amended?"

24 And the roll being called:

25 Yeas 65, Nays 0, Excused 5, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;
3 DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison;
4 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);
5 Johns; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman;
6 Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds;
7 Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer;
8 Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker
9 Wink

10 Excused:

11 Cronin; Kaiser; Killer; Novstrup (Al); Russell

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1097: FOR AN ACT ENTITLED, An Act to exempt certain taxes and fees from the
15 gross receipts tax on telecommunications services.

16 Was read the second time.

17 The question being "Shall HB 1097 pass?"

18 And the roll being called:

19 Yeas 24, Nays 41, Excused 5, Absent 0

20 Yeas:

21 Beal; Brunner; Campbell; DiSanto; Duvall; Feickert; Haggar (Don); Harrison; Haugaard; Hunt;
22 Johns; Kirschman; Klumb; Otten (Herman); Rounds; Rozum; Schoenfish; Solum; Stalzer;
23 Verchio; Werner; Wiik; Willadsen; Zikmund

24 Nays:

25 Anderson; Bartling; Bolin; Bordeaux; Conzet; Craig; Deutsch; Dryden; Gibson; Gosch;
26 Greenfield (Lana); Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Jensen
27 (Alex); Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman; Partridge; Peterson
28 (Kent); Qualm; Rasmussen; Ring; Romkema; Schaefer; Schoenbeck; Schrempp; Sly; Soli;
29 Steinhauer; Stevens; Tulson; Westra; Wollmann; Speaker Wink

30 Excused:

31 Cronin; Kaiser; Killer; Novstrup (Al); Russell

32 So the bill not having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill lost.

1 HB 1098: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
2 exemption of motor vehicles from the motor vehicle excise tax.

3 Was read the second time.

4 The question being "Shall HB 1098 pass?"

5 And the roll being called:

6 Yeas 56, Nays 9, Excused 5, Absent 0

7 Yeas:

8 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Craig; Deutsch; DiSanto;
9 Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison; Haugaard;
10 Hawks; Hawley; Heinemann (Leslie); Holmes; Hunt; Johns; Kirschman; Klumb; Langer;
11 Latterell; Marty; May; McCleerey; Mickelson; Munsterman; Otten (Herman); Peterson (Kent);
12 Qualm; Rasmussen; Ring; Rounds; Rozum; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;
13 Solum; Stalzer; Steinhauer; Stevens; Verchio; Werner; Westra; Willadsen; Wollmann;
14 Zikmund; Speaker Wink

15 Nays:

16 Conzet; Dryden; Hunhoff (Jean); Jensen (Alex); Partridge; Romkema; Schaefer; Tulson; Wiik

17 Excused:

18 Cronin; Kaiser; Killer; Novstrup (Al); Russell

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the bill passed and the title was agreed to.

21 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

22 Rep. Gosch moved that SB 29 be deferred to Wednesday, February 3, the 14th legislative
23 day.

24 Which motion prevailed.

25 There being no objection, the House reverted to Order of Business No. 5.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1002 and finds the same correctly enrolled.

Respectfully submitted,
Dean Wink, Chair

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1002: FOR AN ACT ENTITLED, An Act to eliminate certain reporting requirements for the county general fund.

And signed the same in the presence of the House.

Rep. Anderson moved that the House do now adjourn, which motion prevailed and at 3:46 p.m. the House adjourned.

Arlene Kvislen, Chief Clerk